

SENATE BILL NO. 71

INTRODUCED BY J. COBB

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THOSE PROVISIONS OF LAW TEMPORARILY ENACTED BY THE 58TH SESSION OF THE MONTANA LEGISLATURE PROVIDING FOR USE OF TOBACCO SETTLEMENT FUND PROCEEDS FOR THE FUNDING OF HEALTH AND HUMAN SERVICES PROGRAMS ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING AN ONGOING TRANSFER FROM A STATE SPECIAL REVENUE ACCOUNT TO THE PREVENTION AND STABILIZATION ACCOUNT; AMENDING SECTION 17-6-606, MCA; REPEALING SECTION 8, CHAPTER 608, LAWS OF 2003; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-6-606, MCA, is amended to read:

"17-6-606. (Temporary) Tobacco settlement accounts -- purpose -- uses. (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive tobacco disease prevention program designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the children's health insurance program;
- (d) provide funds for the comprehensive health association programs; and
- (e) fund human services programs.

(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred to in this subsection may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use and for funding human services programs, as provided in subsection (4). The department of public health and human services shall manage the tobacco prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control

1 Programs--August 1999 or its successor document, published by the U.S. department of health and human
2 services, centers for disease control and prevention.

3 (3) An amount equal to 17% of the total yearly tobacco settlement proceeds ~~received after June 30,~~
4 ~~2003,~~ must be deposited in a state special revenue account. Subject to subsection ~~(5)~~ (6), the funds referred
5 to in this subsection may be used only for:

6 (a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance
7 Program Act provided for in Title 53, chapter 4, part 10;

8 (b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with
9 funding use subject to 33-22-1513; and

10 (c) matching funds to secure the maximum amount of federal funds for the medicaid program.

11 (4) An amount equal to the amount appropriated from the prevention and stabilization account
12 established in 53-6-1101 is transferred to that account from the special revenue account established in
13 subsection (2) of this section. Money in the account must be used for funding human services programs as
14 provided in 53-6-1101.

15 ~~(4)(5)~~ Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are
16 not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

17 ~~(5)(6)~~ The legislature shall appropriate money from the state special revenue accounts provided for in
18 this section and in 53-6-1101 for the programs referred to in the section or subsection establishing the account
19 and for funding the tobacco prevention advisory board.

20 ~~(6)(7)~~ Programs funded under this section that are private in nature may be funded through contracted
21 services. ~~(Terminates June 30, 2005--sec. 8, Ch. 608, L. 2003.)~~

22 **~~17-6-606. (Effective July 1, 2005) Tobacco settlement accounts--purpose--uses.~~** (1) The purpose
23 of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive
24 tobacco disease prevention program designed to:

25 ~~—— (a) discourage children from starting use of tobacco;~~

26 ~~—— (b) assist adults in quitting use of tobacco;~~

27 ~~—— (c) provide funds for the children's health insurance program; and~~

28 ~~—— (d) provide funds for the comprehensive health association programs.~~

29 ~~(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30,~~
30 ~~2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in~~

~~this subsection may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of public health and human services shall manage the tobacco prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.~~

~~----- (3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for:~~

~~----- (a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10; and~~

~~----- (b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with funding use subject to 33-22-1513.~~

~~----- (4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.~~

~~----- (5) The legislature shall appropriate money from the state special revenue accounts provided for in this section for tobacco disease prevention, for the programs referred to in the subsection establishing the account, and for funding the tobacco prevention advisory board.~~

~~----- (6) Programs funded under this section that are private in nature may be funded through contracted services."~~

NEW SECTION. Section 2. Repealer. Section 8, Chapter 608, Laws of 2003, is repealed.

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2005.

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